

3976b and 3980a, and making the caption of the bill conform thereto."

By Senator Goss:  
"Amend the amendment by striking out 'Article 3974c.'"

#### BILLS SIGNED.

The Chair signed, in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 133, "An Act to amend Section 12, of Article 22, Title IV, of the Revised Civil Statutes of the State of Texas, changing the time of holding District Court in Trinity county."

House bill No. 77, "An Act to provide for a special road law for Denton county, Texas, to empower the commissioners of said county with special authority to act as road commissioners for said county, with power to purchase teams and tools for said work; to summon any one subject to road duty; also providing for penalty for failure to work; also providing for working upon public roads those who have not paid poll tax, with penalty for failure to work; also providing for amount that may be paid by each taxpayer in lieu of work, also compensation for commissioners when engaged in this duty."

House bill No. 400, "An Act granting permission to B. F. Gohlson and J. W. Benson, or their assigns, to bring suit against the State of Texas in the District Court of Lampasas county to ascertain the amount, if any, is due them for services rendered the State as rangers or soldiers."

House bill No. 529, "An Act to change and fix the times of holding the terms of the district court of the Thirteenth Judicial District."

House bill No. 146, "An Act to fix a time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws in conflict therewith."

Pending action on the amendments to Senate bill No. 183 (see above), the Senate, on motion of Senator Terrell, adjourned until 10 o'clock tomorrow morning.

#### FORTY-FIFTH DAY.

Senate Chamber,  
Austin, Texas, Tuesday, March 14, 1899.

Senate met pursuant to adjournment. President Pro Tem. Stafford in the chair.

Roll called. Quorum present, the fol-

lowing Senators answering to their names:

Atlee.	McGee.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Absent.

Gough.

Stone.

Absent—Excused.

Odell.

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday,

On motion of Senator Kerr, the same was dispensed with.

#### EXCUSED.

On motion of Senator Burns, Lieutenant-Governor Browning was excused for today and tomorrow on account of important business.

On motion of Senator Terrell, Senator Neal was excused for non-attendance yesterday on account of important business.

On motion of Senator Burns, Senator McGee was excused for non-attendance yesterday on account of important business.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 203, being a bill to be entitled "An Act to authorize the several counties in this State to invest the permanent school fund belonging to such counties in their own bonds, and to use the proceeds thereof for general county purposes, and to make the county liable for such investment,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

House bill No. 147, being a bill to be entitled "An Act to amend Article 22, Title IV, of the Revised Civil Statutes of Texas of 1895, by adding thereto Section 55, creating a judicial district in Galveston county additional to the Tenth Judicial District therein, to be the Fifty-sixth Judicial District; to establish a court and provide for a judge and clerk of such new district, to regulate the venue of the courts of said respective districts, and the disposition of the business therein, and to define the jurisdiction, the boundaries and the times thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 224, being a bill to be entitled "An Act to create a commission to be known as the Texas State Historical Commission, and to define the duties and powers of said commission,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 9, being a bill to be entitled "An Act to amend Article 969, Chapter 3, Title XVIII, of the Penal Code, Revised Statutes of 1895, relating to marriages in cases of seduction,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 142, being a bill to be entitled "An Act to prohibit any person from charging or taking from another any rate of interest greater than ten per cent. per annum, and to fix a penalty for the violations of the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 211, being a bill to be entitled "An Act to amend Chapter 9, Title XVII, of the Penal Code of the State of Texas, by adding thereto Article 724a, relating to the purchase, sale or transfer of seed cotton in the night time,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

YANTIS, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 205, being a bill to be entitled "An Act to prohibit the sale of alcoholic liquors in quantities less than a quart except under certain restrictions, and to prohibit the drinking of the same on the premises where the same are sold, or in any other public place, and to fix a penalty for the violation of the provisions of this statute,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

YANTIS, Chairman.

#### MINORITY REPORT.

Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: A minority of your Judiciary

Committee No. 2, to whom was referred

Senate bill No. 205, being a bill to be entitled "An Act to prohibit the sale of alcoholic liquors in quantities less than a quart except under certain restrictions, and to prohibit the drinking of the same on the premises where the same are sold, or in any other public place, and to fix a penalty for the violation of the provisions of this statute,"

Have had the same under consideration, and we are instructed to report the same back to the Senate with the recommendation that it *do* pass.

JAMES,  
TERRELL.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 21, being a bill to be entitled "An Act to prohibit attorneys at law from becoming sureties on bail bonds and recognizances, and providing a penalty for the violations of the provisions of this act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following committee amendment:

"Amend by adding after the words 'the State,' the following: 'And such bond with such surety shall be held in any court of this State void;' and further amend by striking out Section 2, and the words 'Sec. 3,' so that Section 3 will be a proviso to Section 2."

YANTIS, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 174, being a bill to be entitled "An Act to define unlawful intercourse, and to provide a penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

The following amendments added by committee: "Amend by adding after the word 'female' the words 'of previously chaste character.'"

"Amend by adding after the word 'rape' the words 'or seduction.'"

YANTIS, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate*

SIR: A minority of your Judiciary Committee No. 2, to whom was referred Senate bill No. 174, being a bill to be entitled "An Act to define unlawful intercourse, and to provide a penalty therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following amendments:

"Amend by adding after the word 'female' the words 'of previously chaste character.'"

"Amend by adding after the word 'rape' the words 'or seduction.'"

TERRELL.

Committee Room,  
Austin, Texas, March 13, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 121, being a bill to be entitled "An Act to amend Article 41, of Chapter 3, Title I, of the Penal Code of the State of Texas, relating to the defense of intoxication or temporary insanity of the mind produced by the voluntary recent use of ardent spirits, cocaine, morphine, or any other drug or poisonous compound, and providing that intoxication or temporary insanity produced by voluntary recent use of ardent spirits, cocaine, morphine, or other drug or poisonous compound shall not constitute an excuse in this State for the commission of crime, and providing that evidence of temporary insanity or intoxication produced by such use of ardent spirits, cocaine, morphine or other drug or poisonous compound may be introduced by the defendant in any criminal prosecute in mitigation of the penalty attached to the offense for which he is being tried, and directing the judges in district and county courts to charge the jury in proper cases in accordance with the provisions of this law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass, with the following committee amendment:

"Amend by adding after Section 1, 'Provided this act does not affect any case now pending.'"

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 13, being a bill to be entitled "An Act to amend Article 490, Title XV, Chapter 1, Penal Code of the State of Texas, and by adding thereunto subdivisions 7 and 8; to repeal a portion of Article 492, Title XV, of the Penal Code,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 181, being a bill to be entitled "An Act to amend Article 695, Title VIII, Chapter 4, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 49, being a bill to be entitled "An Act to provide for the destruction of prairie dogs, and to fix a penalty against persons who fail or refuse to exterminate the prairie dogs on their lands,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

House bill No. 370, being a bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of San Saba county; to conform the jurisdiction of the district court

thereto, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

YANTIS, Chairman.

Committee Room,  
Austin, Texas, March 14, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 248, being a bill to be entitled "An Act to reorganize the Forty-first Judicial District of Texas; to prescribe the time of holding the district court therein; to make the terms of the Thirty-fourth Judicial District of El Paso county to conform thereto; and to provide for a clerk of the district court of the Forty-first Judicial District in said El Paso county, and empowering the district court of the Thirty-fourth Judicial District to impanel the grand jury for said county, and giving authority to the judges of either of said two courts in said El Paso county to transfer causes from their respective courts to the other of said courts, and to repeal all laws and parts of laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

DAVIDSON, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills, have carefully examined and compared

Senate bill No. 201, being a bill to be entitled "An Act to refund to the various counties of this State the State's pro rata for compiling the delinquent tax record,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, March 13, 1899.  
*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 188, being a bill to be entitled "An Act to provide a uniform method of electing school trustees in independent districts; defining the du-

ties of such trustees in reference to the election of superintendents of schools, and the control of schools in such independent districts, and repealing Articles 4008, 4018, 4019, 4020 and 4021, of the Revised Civil Statutes, and all other laws, both general and special, in conflict with the provisions of this act, and providing an emergency."

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, March 8, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 101, being a bill to be entitled "An Act to restore to and confer upon the County Court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said county under the Constitution and General Statutes of the State, and to conform the jurisdiction of the district court of said county to such change,"

And find the same correctly engrossed.  
JAMES, Chairman.

Committee Room,  
Austin, Texas, March 10, 1899.

*Hon. Jas. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 209, being a bill to be entitled "An Act to amend Article 5060g, of Chapter 1a, of Title CIV, of the Revised Civil Statutes, relating to the regulation of the sale of liquors,"

And find the same correctly engrossed.  
JAMES, Chairman.

#### BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 252, a bill to be entitled "An Act to require railroad companies operating a railroad or any part thereof within this State, to provide and furnish, upon application, to shippers in carload lots, cars ready prepared and suited for the shipment of such freight, commodities or articles as are desired to be shipped over its line, and as is usually shipped in carload lots over its line; and to provide that in case of the failure of such railroad company to furnish cars ready, prepared and suited for such purposes, the shipper may prepare and suit them and recover the expenses from such railroad company."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Dibrell:

Senate bill No. 253, a bill to be entitled "An Act to ascertain what, if any, unpaid balance of salary is due Will S. Gabriell as stenographer of the Supreme Court of the State of Texas, and making an appropriation therefor."

Read first time, and referred to Committee on Public Debts, Claims and Accounts.

By Senator Greer:

Senate bill No. 254, A bill to be entitled "An Act to amend Article 4218q, of Chapter 12a, of Title LXXXVII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the sale of timber lands."

Read first time, and referred to Committee on Public Lands.

By Senator Sebastian:

Senate bill No. 255, A bill to be entitled "An Act to regulate the advertising of delinquent tax lists, citations, and other official notices."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Sebastian:

Senate bill No. 256, A bill to be entitled "An Act to amend Sections 5 and 9 of an act entitled 'An Act to amend an act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the land taxed; establishing and continuing such lien; providing for the sale and conveyance of land delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State, or to any county, city or town, for the taxes due thereon and not redeemed, or which may hereafter be returned delinquent or reported sold to the State or any county, city or town, to satisfy the lien thereon, as enacted by the Regular Session of the Twenty-fourth Legislature, being Chapter 5a, Title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act,' as enacted by the Regular Session of the Twenty-fifth Legislature, being part of Chapter 103 of said Act of 1897, so as to provide for reasonable fees for newspapers for publishing the delinquent tax list."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Yantis:

Senate bill No. 257, A bill to be entitled "An Act to locate the Court of Criminal Appeals at Austin; to regulate the appointment of a clerk, bailiff, stenog-

rapher and porter, and to provide for the disposition of the property of said court at Tyler and Dallas, being 'An Act to amend Articles 73, 74, 75, 76, 77, 78 and 79, of the Code of Criminal Procedure, and to add thereto Articles 73a and 79b, and to repeal Articles 1050 and 1051, of Title XXVII, of Chapter 23, and Articles 1055, 1056, 1057, 1058 and 1059, Chapter 25, Revised Civil Code.'"

Read first time, and referred to Judiciary Committee No. 1.

Call concluded.

#### SPECIAL ORDER.

Senate bill No. 192, A bill to be entitled "An Act to provide and equip certain eleemosynary institutions of the State with an efficient and permanent system of fire escapes, authorizing the purchase of such fire escapes by the board of managers of the institutions herein named, with the approval of the Governor of the State, and making an appropriation therefor."

On motion of Senator Turney the special order of business was suspended to take up, on second reading,

Senate bill No. 235, A bill to be entitled "An Act to amend Section 36 of the Acts of the Twenty-first Legislature of 1889, page 57, of the Special Laws of said Legislature, granting a charter to the city of El Paso, etc."

Bill read second time, and on motion of Senator Turney the rule requiring bills to be printed was suspended.

By Senator Turney:

"Amend by striking out caption of the bill as introduced, and insert the following in lieu thereof:

"'A bill to be entitled "An Act to amend Sections 7 and 137, 138, 139, 140, 141 and 142, of an act entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and the acts amendatory thereof, relating to streets, alleys, sidewalks and other public improvements; and to the levy and collection of a tax to pay therefor, and fixing the time of holding elections.'"

Adopted.

By Senator Turney:

"Amend by striking out all after the caption and inserting the following:

"Be it enacted by the Legislature of the State of Texas:

"That the following sections of the Act of the Legislature, entitled 'An Act to grant a new charter to the city of El Paso,' approved March 2, 1889, and of the acts amendatory thereof, be so amended as to hereafter read as follows:

"Section 137. The city council shall

have full power to extend, vacate, open, widen, grade, gravel, pave, macadamize or otherwise improve and keep in repair, in any manner that it may deem proper, or cause the same to be done, any street, sidewalk, alley, avenue, highway or lane, or any part of the same, within the limits of the city, and to provide for defraying the cost and expenses thereof. And the said city council shall also have power to make, levy and collect assessments against the owner or owners of the lot or pieces of ground abutting on the portion of the street, sidewalk, alley, avenue, highway or lane so extended, opened, widened, graded, graveled, paved, macadamized, improved or repaired, and upon and against said lots and pieces of ground so abutting, to the extent of two-thirds of the reasonable cost and expense of said work; provided, that in making and levying said assessments due regard shall be had and due consideration given as to any special benefits or injury that may accrue to or be caused to said abutting property; and provided further, that the city council may in its discretion require the work of constructing all sidewalks, including material, curbing and guttering, and the keeping of the same in proper repair, to be done and the cost thereof defrayed entirely by the property owners of the lots or pieces of land abutting the same. And, whenever the city council may order the construction of any sidewalk to be done by the abutting property owner, or owners, it shall specify the kind required to be constructed and the width of the same, and the material to be used, and thereupon the city engineer shall issue a reasonable notice of at least five days, which shall be served upon the owner of such abutting property, or his agent, if in the city, or if such owner or agent be out of the city such notice shall be published in some newspaper published in the city of El Paso, once in each week for four consecutive weeks. Such notice shall state the place where such sidewalk is required to be constructed, the width and the material to be used, and the period within which it must be done, and that such owner must proceed to construct the same, or appear before the city council at a designated meeting and show cause why the same should not be done, and if such owner shall not construct the same within the time and as required by the city council, or shall not be excused from doing so by said council, the said city council may cause the same to be done under the direction of its city engineer, or other competent officer of committee, or may, as it deem best, receive bids for doing the same and may

cause the same to be done under contract, and under such conditions, specifications and terms as may seem advisable and for the best interest of the city and the abutting owner, and the cost of same shall be levied and assessed against such abutting property, and shall be secured by a lien thereon, and shall also be a personal charge, claim and debt against such owner, which may be enforced as other assessments herein mentioned. And these provisions shall apply not only to the original construction of said sidewalks, but to all such repairs as may be required and ordered by the city council.

Sec. 138. Such assessments as may be made under the preceding article shall be made and levied on all the lots and pieces of ground abutting upon the part or parts of the street, sidewalk, alley, avenue, highway or lane that may be thus opened, widened, extended, improved or repaired as aforesaid, and shall be secured by and shall constitute valid liens upon and against such abutting lots and pieces of ground. The said assessment also shall, as far as practicable, be uniform and just as between all parties to be affected thereby; and as against any particular piece or parcel of ground should not exceed the special benefits accruing thereto from the work, improvements or repairs for which such assessments may be made.

"Sec. 140. When the city council shall determine by a vote of at least three-fourths of the aldermen constituting said council to do or cause to be done any of the work mentioned in Section 137, for which a special assessment is to be made and levied, it shall by resolution declare such work necessary to be done, and for the public interest, and shall cause an estimate of the probable cost and expense thereof to be made to the city engineer, or some other competent officer or committee of the city, who shall report the same without unnecessary delay with a list and fair description of the lots and pieces of ground abutting on the proposed work, improvement or repair, and the names of the owners of the same, if known, with such other data and information as the said council may require; and thereupon notice by publication once each week for four consecutive weeks in a newspaper published in said city shall be given to the owners or persons interested in said abutting property of the purposed assessment thereon, and of the time when and place where they may appear and contest the same if they see proper so to do. And where practicable personal service of at least five days may be substituted

for the above published notice and may be made on such owner or person interested, or on their agent, by the chief of police, or any officer of said city, or by any person who can make oath of such service. And after such notice the said city council may hear any one interested that may be opposed to such assessment and determine the justice, expediency and reasonableness of such assessment, and may estimate the cost and expense of said work, improvement or repairs, and make provisions to defray the same by the city paying at least one-third thereof and the owner or owners of said abutting property paying two-thirds of the balance thereof. And the said council may duly consider the special benefits or injury that may accrue to or be caused to the abutting property and against the owners thereof as may be necessary to defray the said two-thirds of the balance of the said cost and expenses. And the said assessment shall be a charge and lien upon and against the said property until the payment of the same, as well as a personal debt and claim against the owner or owners of said abutting property at the time of said assessment.

"When the city council has determined upon the work, improvement or repairs aforesaid for which the assessment aforesaid is to be made, and given the notice as aforesaid, and made the assessment as aforesaid, it may cause said work, improvement or repairs to be done under the direction of the city engineer or other competent officer or committee, or may, as it deem best, receive bids for the same, and may cause the same to be done under contract and under such conditions, specifications and terms as may seem advisable and for the best interests of the city and abutting proprietors; and should any assessment made prove insufficient to meet actual cost and expenses, such other reasonable assessments as may be necessary may be made.

"Sec. 141. In making and levying the assessments aforesaid the city council shall specify the lots and pieces of ground on and against which the same is made by such description as will fairly and reasonably designate the same, and shall name the owner or owners at the time of such assessment if known, or if not known shall designate them as unknown; and such assessments shall become due and may be collected by the city assessor and collector, or by such other officer as may be authorized to do so by the city council, as the said work, improvement or repairs are completed; and if not paid within thirty days after becoming due, there shall be added there-

to a penalty of ten per cent. on the amount of the assessment, which shall be secured and collected in the same manner as the said assessment.

"Sec. 142. The cost and expenses of doing the work, improvements or repairs mentioned in Section 137, at the intersections of streets may be borne and defrayed by the city alone, or, in the discretion of the city council, the owners of the lots or pieces of land forming the respective corners at such intersections, may be required to defray two-thirds of the same, and to enforce and provide for the same such assessments as are hereinbefore provided for may be made, and shall be secured by the liens, and shall become the personal debts and claims, and shall be collected in the same manner as the other assessments hereinbefore mentioned.

"Sec. 143. The city council shall have full power and authority to make the foregoing sections and amendments effective, and to pass any necessary ordinances, rules and resolutions, and to make any necessary regulations to accomplish the same; and shall also have full power and authority to pass all such ordinances and resolutions as may be necessary to make and levy the assessments aforesaid, and to secure the same by lien, and to collect the same.

"And in addition to the power and authority as above granted to the city council to enforce and collect said assessments, it shall have the further power and additional remedy of instituting suit in the corporate name of the city in any court having jurisdiction for the recovery against any owner of abutting property for the amount due by him by reason of the aforesaid costs, expenses and assessments, and for the foreclosure of the assessment lien securing the same.

"Sec. 7. The qualified electors of said city shall on the second Tuesday in April, 1899, elect the following named officers thereof: The mayor, and one alderman from each ward, each of whom shall hold his office for two years, and until the election and qualification of his successor. On the second Tuesday in April, 1901, and on the second Tuesday in April of each and every year thereafter ending in an odd number there shall be held in said city a general municipal election, at which the qualified electors of said city shall elect the following named officers thereof: The mayor, two aldermen from each ward, a recorder, a treasurer, a city assessor and collector and a city engineer, and such officers as may under the charter of said city be elective by such votes, each of

whom shall hold his office for two years and until the election and qualification of his successor.

"Sec. 2. All sections of the act creating a charter for the city of El Paso and ex-amendatory thereof in conflict herewith are hereby repealed.

Sec. 3. The provisions of this act shall be deemed a public act, and all persons and all courts and officials of this State shall take public judicial notice of this act as such public act and be governed thereby.

"Sec. 4. The near approach of the close of the session and the crowded condition of the calendars of both bodies of this Legislature, and the great need for the speedy passage of this act into a law, creates an emergency and an imperative public necessity exists requiring the suspension of the rule that all bills shall be read on three several days in each House, and said rule is so suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage by the following vote:

Yeas—27.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Patterson.
Goss.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	Yantis.
Linn.	Yett.
Lloyd.	

Nays—1.

McGee.

Absent.

Gough.

Stone.

Absent—Excused.

Odell.

Bill read third time, and passed by the following vote:

Yeas—28.

Atlee.	Greer.
Burns.	Grinnan.
Davidson.	Hanger.
Dibrell.	James.
Goss.	Johnson.



Kerr.	Potter.
Lewis.	Ross.
Linn.	Sebastian.
Lloyd.	Stafford.
McGee.	Terrell.
Miller.	Turney.
Morriss.	Wayland.
Neal.	Yantis.
Patterson.	Yett.

Absent.

Gough.

Stone.

Absent—Excused.

Odell.

On motion of Senator Neal, the special order of business was suspended to take up, on second reading,

Senate bill No. 212, A bill to be entitled "An Act to authorize the Houston East & West Texas Railway Company to lease and to operate under lease the Houston & Shreveport Railroad, extending from the State boundary line at Logansport, Louisiana, thence through the parishes of De Soto and Caddo into the city of Shreveport in said State."

Bill read second time.

By Senator Greer:

"Amend by adding to Section 2 the following, 'nor to authorize it to remove any of its offices or shops from this State, which is hereby forbidden.'"

Adopted.

By Senator McGee:

"Amend by striking out 'twenty-five,' in line 15, and inserting 'ten' in lieu thereof."

Lost.

By Senator Potter:

"Amend by adding at the end of Section 1 the following: 'Such lease shall be made under the direction of the Railroad Commission of Texas, and if they should refuse their assent to such lease the same shall not be made, and if such lease is made the same shall be subject to cancellation at any time upon the direction of said Railway Commission.'"

Lost by the following vote:

Yeas—9.

Davidson.	Potter.
Grinnan.	Stafford.
James.	Terrell.
McGee.	Yantis.
Morriss.	

Nays—18.

Atlee.	Kerr.
Burns.	Lewis.
Dibrell.	Linn.
Goss.	Lloyd.
Greer.	Miller.
Hanger.	Neal.
Johnson.	Patterson.

29—Senate

Ross.	Turney.
Sebastian.	Wayland.

Absent.

Gough.  
Stone.

Yett.

Absent—Excused.

Odell.

Bill as amended ordered engrossed by the following vote:

Yeas—17.

Atlee.	Miller.
Burns.	Morriss.
Goss.	Neal.
Greer.	Patterson.
Hanger.	Ross.
James.	Sebastian.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	

Nays—6.

Davidson.	Potter.
Grinnan.	Stafford.
McGee.	Terrell.

Absent.

Dibrell.  
Gough.  
Johnson.  
Linn.Stone.  
Yantis.  
Yett.

Absent—Excused.

Odell.

"I vote 'no' on the engrossment, and shall, on the final passage of Senate bill No. 212, because, in my opinion, it is in violation of our Constitution (Article X, Section 6), and a settled policy of our law. This particular bill may be of advantage to localities on the line of the roads interested, but I believe that a lease of the Houston & Shreveport road for a period of twenty-five years will be a practical 'consolidation' of the two roads.

"MCGEE."

On motion of Senator Grinnan the special order of business was suspended to take up, on second reading,

Senate bill No. 183, A bill to be entitled "An Act to amend Articles 3972, 3973, 3973a, 3973b, 3973c, 3973d, 3974 (1) and (2), 3974a, 3974b, 3974c, 3974d, 3976, 3976a, 3976b, 3976c, 3980 and 3980a, Chapter 13, Title LXXXVI, Revised Civil Statutes, 1895, relating to boards of examiners and teachers," action being on the following amendments, to wit:

By Senator Dibrell:

"Amend by striking out of the bill the following: 'Articles 3973a, 3973b, 3973d, 3974a, 3974b, 3974c, 3974d, 3976, 3976a, 3976b and 3980a, and making the caption of the bill conform thereto.'"

By Senator Goss:

"Amend the amendment by striking out 'Article 3974c.'"

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Bill as amended ordered engrossed.

On motion of Senator Lewis the special order of business was suspended to take up, on second reading,

Senate bill No. 184, A bill to be entitled "An Act to amend Article 4640, Chapter 3, Title XCVI, of the Revised Statutes of Texas, in regard to filing and recording certain conveyances, and other instruments of writing."

Bill read second time (in full at request of Senator Greer).

(Senator Sebastian in the chair.)

By Senator Lewis:

"Amend by adding to the bill the following:

"Section 2. The crowded condition of the calendars of the Senate and House, and the near approach of the close of the present session of the Legislature, creates an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and it is so ordered.'"

Adopted.

By Senator Goss:

"Amend by inserting after the word 'notice' in line 20, the following: 'Of such conveyance,' and by inserting after the word 'law' in line 21, the words 'and the occupancy of the land shall not be held to be such actual notice.'"

By Senator Lewis:

Substitute for the amendment:

"Amend by adding to Section 1, line 24, the following: 'Provided, that open, notorious and hostile possession of land, asserting title thereto, shall be deemed actual notice.'"

Substitute adopted.

Amendment as substituted adopted.

By Senator Burns:

"Amend by striking out the enacting clause."

(Pending action, President pro tem. Stafford in the chair.)

The amendment of Senator Burns was adopted by the following vote:

Yeas—16.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Neal.
Dibrell.	Patterson.
Goss.	Potter.
Greer.	Terrell.
James.	Yantis.
Kerr.	Yett.

Nays—8.

Grinnan.	Morriss.
Hanger.	Stafford.
Lewis.	Turney.
Miller.	Wayland.

Absent.

Gough.	Ross.
Johnson.	Sebastian.
Linn.	Stone.

Absent—Excused.

Odell.

On motion of Senator Miller the special order of business was suspended to take up, on second reading,

Senate bill No. 160, A bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes, and to add thereto Section 57, regarding the purposes for which private corporations may be created."

Bill read second time.

By Senator Burns:

"Amend by adding after the words 'cotton exchanges' in line 13, the following: 'Chambers of commerce.'

"Amend by adding to the caption of the bill the following: 'So as to authorize the organization of cotton exchanges, chambers of commerce and boards of trade.'

"Amend by adding emergency clause as follows, to wit:

"Section 2. Whereas, cotton exchanges, chambers of commerce and boards of trade have proven to be most beneficial agencies in the regulation and promotion of trade and commerce, and in cheapening and expediting handling of commercial products; and whereas, there is now no statute authorizing the incorporation of such bodies, therefore, an urgent necessity and imperative public emergency exists authorizing the suspension of the constitutional rule requiring bills to be read on three several days, and that this bill take effect and be in force from and after its passage, and it is so enacted.'"

Adopted.

By Senator Miller:

"Amend Senate bill No. 160 by adding in line 7, after the 57—and 58; and also amend the bill by adding Section 58, to read as follows:

"Section 58. For engaging in, and carrying on, as agent, the following business: Insuring against loss or damage by fire, lightning, tornadoes, hail and accident; insuring the lives and health of individuals; guaranteeing the fidelity of employes and persons occupying places of trust; acting as surety for individuals and corporations.'"

Lost by the following vote:

Yeas—5.

Burns.	Lewis.
Greer.	Miller.
Hanger.	

Nays—19.

Atlee.	Patterson.
Davidson.	Potter.
Dibrell.	Ross.
Goss.	Sebastian.
Grinnan.	Stafford.
James.	Terrell.
Kerr.	Turney.
Lloyd.	Yantis.
Morriss.	Yett.
Neal.	

Present—Not voting.

McGee.	Wayland.
--------	----------

Absent.

Gough.	Linn.
Johnson.	Stone.

Absent—Excused.

Odell.

Bill as amended ordered engrossed.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage by the following vote:

Yeas—21.

Atlee.	Neal.
Burns.	Potter.
Dibrell.	Ross.
Goss.	Sebastian.
Greer.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lloyd.	Yantis.
Miller.	Yett.
Morriss.	

Nays—4.

Davidson.	McGee.
Grinnan.	Patterson.

Present—Not voting.

Lewis.

Absent.

Gough.	Linn.
Johnson.	Stone.

Absent—Excused.

Odell.

Bill read third time, and passed by the following vote:

Yeas—17.

Atlee.	James.
Burns.	Kerr.
Goss.	Lloyd.
Greer.	McGee.
Hanger.	Miller.

Morriss.	Stafford.
Neal.	Terrell.
Potter.	Turney.
Ross.	

Nays—7.

Davidson.	Sebastian.
Dibrell.	Yantis.
Grinnan.	Yett.
Patterson.	

Present—Not voting.

Lewis.	Wayland.
--------	----------

Absent.

Gough.	Linn.
Johnson.	Stone.

Absent—Excused.

Odell.

On motion of Senator Davidson the special order of business was suspended to take up, on third reading,

Senate bill No. 133, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the Thirty-sixth Judicial District of the State of Texas, and to repeal all laws or parts of laws in conflict with this act."

Bill read third time, and passed.

On motion of Senator Turney the special order of business was suspended to take up, on second reading,

Senate bill No. 148, A bill to be entitled "An Act to amend Article 244, of Chapter 2, Title IV, of the Code of Criminal Procedure of the State of Texas."

Bill read second time, and ordered engrossed.

On motion of Senator Turney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage by the following vote:

Yeas—24.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Patterson.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.

Nays—2.

McGee.	Potter.
--------	---------

Absent.

Gough.	Lewis.
Johnson.	Stone.

Absent—Excused.

Odell.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Miller.
Burns.	Neal.
Davidson.	Patterson.
Dibrell.	Potter.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Gough.	Morriss.
Johnson.	Stone.
Lewis.	

Absent—Excused.

Odell.

On motion of Senator Goss the special order of business was suspended to take up, on second reading,

Senate bill No. 178, A bill to be entitled "An Act to amend Article 4159a, of the Revised Civil Statutes of the State of Texas of 1895, relating to the relief of actual occupants on homestead donations."

Bill read second time, and ordered engrossed.

On motion of Senator Goss, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Patterson.
Dibrell.	Potter.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yett.
Lloyd.	

Nays—1.

McGee.

Absent.

Gough.	Neal.
Johnson.	Stone.
Lewis.	Yantis.

Absent—Excused.

Odell.

Bill read third time, and passed by the following vote:

Yeas—25.

Atlee.	Miller.
Burns.	Morriss.
Davidson.	Patterson.
Dibrell.	Potter.
Goss.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Terrell.
James.	Turney.
Kerr.	Wayland.
Linn.	Yantis.
Lloyd.	Yett.
McGee.	

Absent.

Gough.	Neal.
Johnson.	Stone.
Lewis.	

Absent—Excused.

Odell.

On motion of Senator Greer the special order of business was suspended to take up, on second reading,

Senate bill No. 232, A bill to be entitled "An Act to appropriate the sum of forty-five thousand dollars for the purpose of repaying and restoring to the United States government an excess of money that was, under mistake, paid to the State of Texas in the payment of a balance due this State under an Act of Congress, approved February 28, 1855."

By Senator Hanger:

"Amend the caption by adding after the word 'thousand' in line 6, on page 1, the words 'one hundred and twenty five and 56-100.'"

Adopted.

By Senator Hanger:

"Amend by adding after the word 'thousand' in lines 12 and 28, on page 1, the words 'one hundred and twenty-five and 56-100.'"

Adopted.

By Senator Hanger:

"Amend by striking out the figures '\$56,113.27' in line 20, on page 1, and insert in lieu thereof the figures '\$55,987.71.'"

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill placed on its third reading and final passage by the following vote:

Yeas—24.

Burns.	Hanger.
Davidson.	James.
Dibrell.	Kerr.
Goss.	Linn.
Greer.	McGee.
Grinnan.	Miller.

Morriss.	Stafford.
Neal.	Terrell.
Patterson.	Turney.
Potter.	Wayland.
Ross.	Yantis.
Sebastian.	Yett.

Absent.

Gough. Stone.

Absent—Excused.

Odell.

Bill read third time, and passed by the following vote:

Yeas—25.

Burns.	Morriss.
Davidson.	Neal.
Dibrell.	Patterson.
Goss.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
Hanger.	Stafford.
James.	Terrell.
Kerr.	Turney.
Linn.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Gough. Stone.

Absent—Excused.

Odell.

Senator Greer moved to reconsider the vote by which the bill passed, and lay that motion on the table.

Tabled.

On motion of Senator Hanger the special order of business was suspended to take up, on second reading,

Senate bill No. 119, A bill to be entitled "An Act to amend Article 4368, Chapter 3, Title XCIV, of the Revised Civil Statutes of the State of Texas, prescribing the duties of railway companies with respect to their general and public offices, and the residence of their officers, to be kept and maintained within this State," action being on the adoption of the committee substitute.

Pending action, Senator Yantis moved to postpone the bill until after morning call next Monday, March 20th.

Motion prevailed by the following vote:

Yeas—20.

Burns.	Dibrell.
Davidson.	Goss.
Greer.	Potter.
Grinnan.	Ross.
James.	Sebastian.
Kerr.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Morriss.	Yett.

Nays—3.

Hanger.	Stafford.
Miller.	

Absent.

Atlee.	Neal.
Gough.	Patterson.
Johnson.	Stone.
Lewis.	

Absent—Excused.

Odell.

Senator Lloyd moved to postpone the special order to take up

Senate bill No. 245, A bill to be entitled "An Act to repeal 'An Act to incorporate the town of Jacksonville, in Cherokee county, Texas,' passed at the session of the Thirteenth Legislature."

Lost.

On motion of Senator Kerr the Senate adjourned until 10 o'clock a. m. tomorrow.

#### FORTY-SIXTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, March 15, 1899.

Senate met pursuant to adjournment.

President Pro Tem. Stafford in the Chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Morriss.
Dibrell.	Patterson.
Goss.	Ross.
Gough.	Sebastian.
Greer.	Stafford.
Grinnan.	Terrell.
Hanger.	Turney.
James.	Wayland.
Johnson.	Yantis.
Kerr.	Yett.
Linn.	

Absent.

Lewis.	Odell.
Miller.	Potter.
Neal.	Stone.

Prayer by the Chaplain, Rev Dr. Denison.

Pending the reading of the Journal of yesterday.

On motion of Senator Ross, the same was dispensed with.

#### EXCUSED.

On motion of Senator Gough, Senators Neal, Miller and Stone were excused for today and tomorrow on account of important business.